

TENNESSEE ETHICS COMMISSION

Minutes of October 31, 2006 Public Rules Hearing

Pursuant to the call of Chairman Thomas Garland, The Tennessee Ethics Commission ("Commission") met on Tuesday, October 31, 2006, at 8:30 a.m. in the auditorium of the Tennessee State Library and Archives in Nashville, Tennessee for a public rules hearing.

The following members were present:

Thomas J. Garland, Chair

Donald J. Hall

Linda W. Knight

Dianne F. Neal

Benjamin S. Purser, Jr.

Chairman Garland made opening comments and called the meeting to order.

Anne Turner, attorney for the Ethics Commission, stated that the purpose of the hearing was to allow the public the opportunity to provide comments to the proposed rule for the record. She asked any individual with comments to sign a sheet. She also stated that if anyone wished to provide the Commission with additional comments, they could mail them to the Commission.

The first speaker was Allan Ramsaur who stated that he believes that the purpose of the hearing was for the Commission to have actual interchange with the public. He also believes that the notice of the hearing should be more extensive in the future for those parties who will be directly affected by the rules. Mr. Ramsaur also suggested a change in the language of the statute to read, "...within seven days of becoming employed as a lobbyist," to replace the existing language, "...not later than seven days after becoming a lobbyist." Mr. Ramsaur also stated that the lobbyist registration site was sometimes "down" during the registration process. He also reported that at least one web browser was not compatible with the lobbyist registration website, specifically one associated with McIntosh computers. He suggested that the rules should include a provision to allow for some lobbyist information to be accepted in paper form, especially to account for possible computer problems.

Commissioner Hall asked Mr. Ramsaur for more information regarding how long the registration website was down. Mr. Ramsaur stated that he did not have specific time frames, but he believed the system was down for at least one half day during the registration period.

Next, Mr. Ramsaur discussed the procedure in the rules for show cause hearings. He suggested that the Commission adopt the procedural system defined by the Uniform Procedures Act.

Mr. Androphy asked Mr. Ramsaur for clarification regarding what he believes proper notice of the hearings would be for all lobbyists and employers of lobbyists. Mr. Ramsaur responded that he believes specific notice should be given to each lobbyist and employer of lobbyist.

Commissioner Knight suggested that a group e-mail to these individuals and organizations may be a way to provide notice of hearings in the future. Mr. Ramsaur agreed with this option; however, he believes some type of confirmation that the Commissioner's e-mail was received should also be included.

Courtney Pearre expressed his concerns about the Commission's proposed interpretation of the definition of lobbying. He believes a person does not become a lobbyist until he or she begins to lobby. He discussed the history of the definition of lobbying and stated that he did not believe the Legislature intended to change the definition from the old statute.

Ann Carr discussed her concerns regarding the rules for the registration of lobbyists, specifically for a lobbying firm. She does not believe everyone in a firm should have to register if they don't actually lobby, or they don't lobby for that particular employer. She also suggested a reduced fee for lobbying firms that must register all their members, whether they lobby or not.

Chairman Garland asked if any member or staff person had any other questions.

Commissioner Hall asked Ms. Carr about what basis she used to formulate her view that the legislative intent was not for each member of a lobbying firm to be required to register. She responded that she had sat through many hours of legislative committee meetings while the Governmental Reform Act was being drafted.

Ms. Turner asked if anyone else had any other comments. No one had further comments or questions.

Mr. Androphy stated that the Commission staff is working on reviewing the regulations and redrafting them. Additionally, he stated that the arguments made at the hearing will be addressed in future notices. Finally, he announced that the emergency regulations will be in effect until January 2, 2007.

Anne Turner concluded the public hearing at 8:58 a.m.

Respectfully submitted,

Melinda R. Arrington